

**U.S. DEPARTMENT OF ENERGY
NATIONAL NUCLEAR SECURITY ADMINISTRATION
NEVADA OPERATIONS OFFICE**

ORDER

NV O 451.1

Approved: 08-05-02
Review Date: 08-05-04
Expires: 08-05-06

**NATIONAL ENVIRONMENTAL POLICY ACT
COMPLIANCE PROGRAM**



INITIATED BY:
Environment, Safety, and Health Division

NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE PROGRAM

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1. OBJECTIVE. To supplement and to be used in conjunction with DOE O 451.1B, dated 10-26-00, and Changes thereto. This Order provides additional National Nuclear Security Administration Nevada Operations Office (NNSA/NV) requirements and responsibilities for implementing the National Environmental Policy Act of 1969 (NEPA), *Council on Environmental Quality Regulations Implementing the Procedural Provisions of NEPA* (Title 40 Code of Federal Regulations (CFR), Parts 1500-1508), and *DOE NEPA Implementing Procedures* (10 CFR 1021). (Herein the latter two documents will be referred as “the Regulations.”) This supplemental Directive does not change any requirement of the DOE Order.
2. CANCELLATION. None.
3. APPLICABILITY. This Order applies to all NNSA/NV organizational elements. Although NNSA/NV contractors may assist in NNSA/NV’s NEPA implementation, the legal obligation to comply with NEPA belongs to NNSA/NV.
4. REQUIREMENTS. In addition to requirements established in NEPA, the Regulations, and DOE O 451.1B, NNSA/NV’s NEPA Compliance Program will include:
 - h. A process to determine the level of NEPA review.
 - i. The use of NV-16, “NEPA Environmental Evaluation Checklist,” to make NEPA determinations for proposed projects and activities.
 - j. A NEPA specialist located in the Environment, Safety, and Health Division (ESHD).
 - k. A record keeping system to verify the accuracy and quality of NEPA reviews.
5. RESPONSIBILITIES.
 - h. Manager. Ensures NNSA/NV’s NEPA Program is conducted in accordance with NEPA, the Regulations, DOE O 451.1B, and all other applicable laws, rules, and regulations.

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- i. Assistant Managers. Ensure all applicable NEPA-related federal, state, and local laws, rules, regulations, and guidelines are addressed and implemented for all programs, projects, activities, and operations under their purview, both on and off the Nevada Test Site (NTS).
- j. Office of Chief Counsel.
 - (1) When necessary, assists the NEPA Compliance Officer in making recommendations for the level of NEPA documentation required for a proposed action and in developing strategies for particular NEPA processes.
 - (2) When necessary, advises and assists the NEPA Document Manager (NDM) in establishing and maintaining Administrative Records for Environmental Assessments (EA) and Environmental Impact Statements (EIS) for NNSA/NV activities.
 - (3) Reviews NEPA-related documents to ensure legal compliance with NEPA and other applicable laws, rules, and regulations.
- k. Division Directors.
 - (1) Ensure all applicable NEPA-related federal, state, and local laws, rules, regulations, and guidelines are addressed and implemented for all programs, projects, activities, and operations under their purview, both on and off the NTS.
 - (2) Recommend to the ESHD Director an NDM for proposed actions under their purview requiring preparation of either an EA or an EIS.
- l. ESHD Director.
 - (1) Maintains a NEPA Compliance Officer (NCO) for NNSA/NV and designates an NDM at the start of each EA and EIS.
 - (2) Serves as the focal point for coordination and review of NNSA/NV NEPA documentation, including EISs, EAs, Findings of No Significant Impact, Categorical Exclusions (CX), and Records of Decision.

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- (3) Prepares and submits the NNSA/NV annual NEPA planning summary to the Assistant Secretary for Environment, Safety, and Health each year and makes it available to the public.
- (4) Periodically reviews and updates NNSA/NV's NEPA-related internal scoping, public participation, and quality assurance plans.

6. NNSA/NV PROCEDURES.

d. Level of NEPA Review.

- (1) There are three levels of NEPA review.
 - (a) An EIS, which is a comprehensive review document that includes formal public input and an examination of alternatives.
 - (b) An EA, which is a document that may include public input and analyzes a proposed action to determine if an EIS will be prepared.
 - (c) A CX, which is a class of actions that do not require either an EA or an EIS and are categorically excluded from detailed review in accordance with 10 CFR 1021.
- (2) To determine the appropriate level of NEPA review, it must be established whether the proposed action is a major federal action that could have significant environmental effects. The following four steps briefly describe the key elements in making such a determination. Attachment 1 presents the sequential process for determining the level of NNSA/NV's NEPA review.
 - (a) Evaluate Proposal. The Project/Program Manager, usually from a line organization, completes Section A of NV-16, "NEPA Environmental Evaluation Checklist," presented in Attachment 2, and submits it and the project proposal to ESHD for review.
 - (b) Recommend Level of NEPA Review. The ESHD NEPA Specialist reviews the project proposal and NV-16, coordinates ESHD review of the proposal and other related NEPA actions, and recommends the appropriate level of NEPA documentation to the NCO.

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- (c) Concur With Recommended Level of NEPA Review. The NCO reviews the NEPA Specialist's recommendation. If the recommendation is a CX, the NCO has authority to approve it by signing NV-16. The NCO's approval is forwarded, in the form of a memorandum with the NV-16 attached, to the appropriate line organization. If an EA or EIS is recommended, the NCO submits the recommendation to the Manager.
 - (d) Determine Level of NEPA Review. The Manager reviews the NCO's recommendation for an EA or EIS and makes the final determination by signing the determination document.
 - e. Internal Scoping. The NDM conducts internal scoping of a project according to the NNSA/NV Internal Scoping Plan. Internal scoping ensures a team effort during the NEPA process for environmental reviews at all NNSA/NV levels. The goal of internal scoping is to identify and anticipate as many of the issues that may require environmental analyses as possible before inviting public review.
 - f. Public Participation. The NNSA/NV Public Participation Plan is to be adopted during the internal scoping process. Public participation provides a means for NNSA/NV to gather the most diverse collection of opinions, perspectives, and values from the broadest spectrum of the public.
 - g. Quality Assurance. The most important measure of the quality of a NEPA document is how useful it is in the decision-making process. To ensure quality, the NNSA/NV NEPA Compliance Program will be conducted in accordance with the NNSA/NV Quality Assurance Plan.
 - h. Reference. DOE O 451.1B, NATIONAL ENVIRONMENTAL POLICY ACT PROGRAM, dated 10-26-00, and Changes thereto.
7. CONTACT. Questions regarding this Order and requests for guidance will be addressed to the NNSA/NV NEPA Compliance Officer at (702) 295-1759.



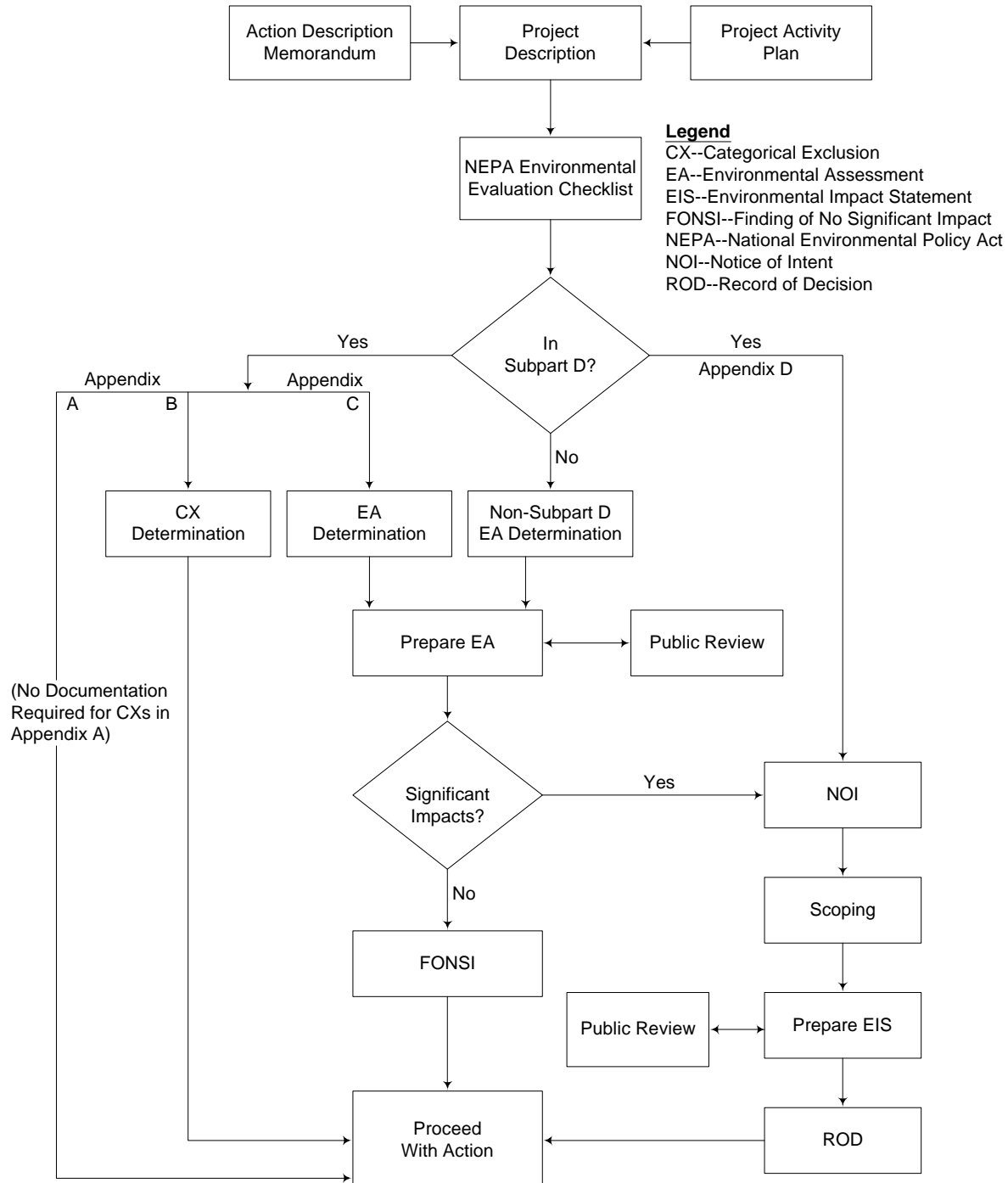
Kathleen A. Carlson
Manager

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**Attachment 1
Page 1 (and 2)**

DETERMINATION OF THE LEVEL OF NEPA REVIEW



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**Attachment 2
Page 1**

NV-16
(Rev. 07/2002)
Other Editions Obsolete

**U.S. DEPARTMENT OF ENERGY
NATIONAL NUCLEAR SECURITY ADMINISTRATION NEVADA OPERATIONS OFFICE
NEPA ENVIRONMENTAL EVALUATION CHECKLIST**

FOLLOW ATTACHED PROCEDURES FOR COMPLETING CHECKLIST					Date		
A. Project/Activity Title (Attach a brief description of proposed project)							
Project Location				Proposed By (If other than NNSA/NV)			
NNSA/NV Line Management Organization				NNSA/NV Project/Program Manager			
Anticipated Start Date				DOE/HQ Program Office (If applicable)			
ENVIRONMENTAL CONSIDERATIONS: If any phase of the project/activity involves any of the following considerations, check yes and explain in project description. See NV-16A for consideration guidelines and examples.							
Consideration	Yes	No	Unk	Consideration	Yes	No	Unk
1. Noise				10. Liquid Effluents			
2. Air Emissions				11. Underground Storage/Septic Tanks			
3. Explosives				12. Utility Systems (PCBs)			
4. Petroleum/Fuel Storage/Use				13. Environmental Restoration Site			
5. Pesticide/Herbicide Use				14. Change in Existing Drainage Pattern			
6. Hazardous/Toxic Substances				15. Surface Disturbance/Excavation			
7. Solid Waste				16. Cultural/Historic Resources			
8. Mixed Waste				17. Biological/Tortoise Resources			
9. Radioactive Materials							
DO NOT TYPE OR WRITE BELOW THIS LINE. FOR ESHD USE ONLY.							
B. Is the project/activity included in the final NTS EIS and the ROD or other NEPA document? Yes _____ (complete Sections C, D, and E) No _____ (complete Sections D, E, and F)							
C. This project/activity is included in the NTS EIS/ROD (or other NEPA document) under the following section and page number:							
D. Does the proposed project/activity require any local, state, or federal permits or notifications? Yes ____ No ____							
E. Does the proposed project/activity relate to the FFCA or FFACO agreements? Yes ____ No ____							
F. If, based on the project description and the preliminary environmental considerations noted above, the proposed action fits within a class of action listed in Subpart D of 10 CFR 1021, write in the space below, the paragraph number and short title from the appropriate table of contents of Subpart D, Appendix B, C, or D, for a CX, EA, or EIS. If the proposed action does not fit within any class of action, write "Not Listed" below.							
G. NEPA COMPLIANCE OFFICER DETERMINATION OR RECOMMENDATION:							
_____ NNSA/NV NEPA Compliance Officer				_____ Date			

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NV-16A
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Other Editions Obsolete

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
ENVIRONMENTAL EVALUATION CHECKLIST PROCEDURES**

This checklist is to be used to make NEPA determinations for projects and activities. When completed by Project/Program Managers, it will assist the National Nuclear Security Administration Nevada Operations Office (NNSA/NV) NEPA Compliance Officer determination if a proposed project/activity has been analyzed in a previous NEPA document, if it can be categorically excluded from further NEPA review, or if it requires a more detailed review, such as an environmental assessment. Completing Section A and submitting the checklist to the Environment, Safety, and Health Division (ESHD) initiates the NEPA determination process.*

1. ESHD will make the checklist available by mail or electronically to NNSA/NV Project/Program Managers and others responsible for project execution.
2. NNSA/NV Project/Program Managers will complete Section A and submit the checklist electronically or by mail to the ESHD Director for the NEPA Compliance Officer's determination or recommendation.
3. The NEPA Compliance Officer ensures ESHD reviews and concurs with the applicable environmental considerations and completion of Sections B through G.
4. The NEPA Compliance Officer has the authority to determine if the proposed project can be categorically excluded from further NEPA review or if the proposal has been analyzed in an existing NEPA document.
5. If the proposed project cannot be categorically excluded and has not been analyzed in an existing NEPA document, the NEPA Compliance Officer will forward the appropriate determination (Environmental Assessment or Environmental Impact Statement) to the NNSA/NV Manager for signature.

*To enter text in the electronic version of the checklist, press the "Tab" key to position cursor. Text will wrap at the end of each line but will not go beyond the allotted space provided when typing.

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ENVIRONMENTAL CONSIDERATION GUIDELINES

The following guidelines are provided to help determine if projects or activities involve any of the listed environmental considerations. Where appropriate, provide the proposed method of reducing or mitigating the impact, e.g., watering dirt roads for dust control to reduce air emissions.

1. NOISE. Excessive noise levels such as heavy machinery, explosions, aircraft. Mitigation such as hearing protection will be included.
2. AIR EMISSIONS. Describe air emissions generated by the project. Includes dust, fuel burning generators, open burns, hazardous materials tests, chemicals, rockets, gases, explosions, building demolition.
3. EXPLOSIVES. Explosive or combustible materials, military munitions, bombs, rockets, pyrotechnics.
4. PETROLEUM/FUEL STORAGE/USE. Quantities and methods of storing gasoline, diesel, jet fuel; spill protection measures; heavy equipment fuel not included unless stored at project location.
5. PESTICIDE/HERBICIDE USE. Storage or use of pesticides, insecticides, rodenticides, herbicides or soil sterilants.
6. HAZARDOUS/TOXIC SUBSTANCES. To determine whether or not the proposed action will result in the generation of a hazardous waste as defined in the Resource Conservation and Recovery Act (RCRA); provide detailed information (as required by the Emergency Planning and Community Right-to-Know provisions of "SARA Title III") on the chemicals to be used. Include types and quantities of materials such as paints, chemicals, acids, cleaning agents, solvents, gaseous chemicals (i.e., propane), caustic powders and liquids, lead bricks, flammable substances, explosives, corrosives, etc. Identify the method to be used to manage these chemicals and materials following consumption or remain as excess at the end of the project. Identify all characteristic and listed hazardous wastes that will be generated and specify volume or weight and the form (liquid, gas or solid) of the waste. Describe the plans for storage, treatment, and disposal of hazardous waste.

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7. SOLID WASTE. Provide information regarding the all solid waste as defined in RCRA the proposed action will generate. Describe the arrangements for solid waste disposal.
8. MIXED WASTE. Provide information regarding the potential for generating radioactive waste that may be contaminated with any RCRA hazardous waste. Describe how the wastes will be disposed of.
9. RADIOACTIVE MATERIALS. Includes exposure to, packaging and transportation of, or handling of, radioactive waste/materials/soils. Describe types and level of radioactive materials.
10. LIQUID EFFLUENTS. Waste water, sewage lagoons, septic tanks, drains. Disposition of wastes should be included.
11. UNDERGROUND STORAGE/SEPTIC TANKS (UST). Generally applies to USTs scheduled for removal in the Environmental Restoration (ER) Program.
12. UTILITY SYSTEMS (POLYCHLORINATED BIPHENYLS [PCB]). Any work with utility systems that contain PCBs.
13. ER SITE. Includes Underground Testing Area sites and Corrective Action Units for off-sites, soils media, industrial, Tonopah Test Range, Central Nevada Test Area, and Project Shoal sites. Is project included in the Federal Facility Agreement and Consent Order?
14. CHANGE IN EXISTING DRAINAGE PATTERN. Will project affect a major drainage, flood plain, or wetland?
15. SURFACE DISTURBANCE/EXCAVATION. Will new ground disturbance occur? Is project in previously disturbed area? Include approximate size of new ground disturbance.
16. CULTURAL/HISTORIC RESOURCES AFFECTED. If new ground disturbance, an archeological survey may be required. If historic structure affected, historical evaluation may be required.
17. BIOLOGICAL/TORTOISE SURVEYS. If surface disturbance, biological survey may be required. Tortoise surveys may be required for all ground disturbing projects south of the Control Point.